

AUG 07
MONMOUTH
COUNTY

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Attorneys for Plaintiff

JACLYN M. BURCH and
MARK E. BURCH;

Plaintiff,

vs.

USA TRUCK, INC.;
FRANK . CANAFINO;
JOHN DOE, ABC, Inc.,
fictitious names;

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION-MONMOUTH COUNTY

: DOCKET NO.

L. 2973-17

Civil Action

**COMPLAINT, DEMAND FOR JURY
TRIAL, AND DESIGNATION OF
TRIAL COUNSEL**

Plaintiffs, JACLYN M. BURCH and MARK E. BURCH, residing in the
State of New Jersey, complaining of the defendants, hereby says:

COUNT ONE

1. At all times hereinafter mentioned, and at all times relevant herein, on or
about January 26, 2017; plaintiff, JACLYN M. BURCH, was the owner and operator of
a Mazda vehicle, bearing license plate number S34DUU, which was traveling on Old

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Matawan Road at or near the intersection of Kearney Avenue, in the Township of Old Bridge, County of Middlesex, State of New Jersey.

2. At all times relevant herein, and on the date aforesaid, defendant, USA TRUCK, INC., was the owner and co-defendant, FRANK R. CANAFINO, was the operator of the 2017 Kenworth vehicle, bearing license plate number P584495, which was traveling on Old Matawan Road at or near the intersection of Kearney Avenue, in the Township of Old Bridge, County of Middlesex, State of New Jersey.

3. At all times relevant herein and on the date aforesaid, the defendant, FRANK R. CANAFINO, was in the course of his employment and possession and control of the aforesaid vehicle at the time of the accident, or alternatively acting in an individual capacity, which was, upon information and belief, owned by defendant, USA TRUCK, INC., and was otherwise the agent, servant, representative and permissive user of the aforesaid vehicle for and on behalf of the defendant, USA TRUCK, INC.

4. At all times relevant herein, the defendant, USA TRUCK, INC., 321 Tech Drive, Burns Harbor, Indiana 46304, was a corporation, organized under the laws of the State of New Jersey and was authorized to transact business in the State of New Jersey, which it did.

5. At the time and place aforesaid, the defendants, each of them, maintained, assigned, entrusted, and controlled the vehicle in such a careless, reckless and negligent manner so as to cause a dangerous condition to occur.

6. The defendants were negligent, inter alia, in causing their vehicles to strike a pole which was caused to fall on plaintiff's vehicle; to enter into the path of other vehicles on the roadway; failing to observe and stop for traffic control signals;

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failing to make proper observations of the vehicles operated by others; failing to make proper road observations; failing to maintain their vehicles under proper control; failing to use circumspection; failing to exercise automobile operation procedures and adhere to road traffic regulations; failing to supervise; failing to act prudently; and otherwise failing to operate, maintain and control their vehicles in a careful and prudent manner.

7. As a direct and proximate result of the defendants' negligence and carelessness as aforesaid, plaintiff, JACLYN M. BURCH, has been caused to sustain severe physiological and psychological injuries, which have continued to the present, and which will in the future so continue, with concomitant pain and suffering and a shocking to her nervous system, which have caused the plaintiff great pain and suffering. Moreover, plaintiff has been caused to incur, with the possibility of future surgery, and past, present and future loss of income, for which the defendants should be held liable.

WHEREFORE, plaintiff, JACLYN M. BURCH, demands judgment against the defendants, for damages, jointly and severally, interest, attorney's fees and costs of suit.

SECOND COUNT

8. Plaintiff, MARK E. BURCH, hereby repeats and realleges the allegations of the First Count as though the same were fully set forth herein at length.

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9. Plaintiff, MARK E. BURCH, is the lawful husband of the plaintiff, JACLYN M. BURCH, and as a direct and proximate result of the defendants' negligence and carelessness and the resulting injuries sustained by plaintiff, JACLYN M. BURCH, this plaintiff, MARK E. BURCH, has suffered and will continue to suffer losses of his wife's services, society and consortium.

WHEREFORE, plaintiffs, JACLYN M. BURCH and MARK E. BURCH, demand judgment against defendants and fictitious defendants, jointly, severally and individually, for damages, interest, costs of suit, attorney's fees and such other and further relief as this Court may deem equitable and just.

THIRD COUNT

10. Plaintiffs hereby repeat and re-allege the allegations of the First and Second Counts of the Complaint as though the same were fully set forth at length herein.

11. The defendant, John Doe and ABC, Inc., are fictitious names intended to identify any and all parties, and/or other entities whose identities are presently unknown to the plaintiff, who together with the named defendants herein, were responsible for, or in any way, caused or contributed to plaintiff's injuries.

12. As a direct and proximate result of the negligence of the defendants as aforesaid, the plaintiff has suffered serious and permanent personal injuries; have suffered and will in the future suffer great pain; have been and will in the future be forced to expend large sums of money for medical care and attention; have lost and

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will in the future lose large sums of money for wages; and have been and will in the future be unable to attend to his usual pursuits and occupation.

WHEREFORE, plaintiffs, JACLYN M. BURCH and MARK E. BURCH, demand judgment against the defendants, jointly, severally or, in the alternative, for damages, interest, costs of suit, attorney's fees and such other and further relief as this Court may deem equitable and just.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that the plaintiff hereby demands a trial by jury as to all issues raised by the within matter.

DESIGNATION OF TRIAL COUNSEL

PURSUANT to R. 4:25-4, notice is hereby given that Charles M. Crocco, Esq., is designated as trial counsel for and on behalf of the plaintiff in the within matter.

CERTIFICATION

PURSUANT to Court Rule, I hereby certify that the matter in controversy is not the subject of any other action or arbitration proceeding filed by the plaintiff, either now or contemplated.

NELSON, FROMER, CROCCO & JORDAN
Attorneys for Plaintiffs

Dated: August 2, 2017

By: _____
Charles M. Crocco, Esq.
Attorney ID# 019531996